

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

|                            |   |                        |
|----------------------------|---|------------------------|
| JANE DOE, et al.           | ) |                        |
|                            | ) |                        |
| v.                         | ) | No. 3:04-0143          |
|                            | ) | Magistrate Judge Brown |
| STEVEN CRAIG FULTS, et al. | ) | <b>Jury Demand</b>     |

O R D E R

This matter is before the undersigned for all district court proceedings, pursuant to the consent of the parties and the order of District Judge Echols (Docket Entry Nos. 48, 51). Currently pending is a motion for summary judgment by Defendants Rutherford County Board of Education and Judy Goodwin (Docket Entry No. 94). In accordance with the Memorandum accompanying this Order, the motion for summary judgment is hereby GRANTED IN PART and DENIED IN PART. The motion is granted with respect to the federal claims asserted against Rutherford County Board of Education and Goodwin, and those claims are hereby DISMISSED WITH PREJUDICE. The motion is denied with respect to the pendent state law claims against these defendants, and those claims are hereby DISMISSED WITHOUT PREJUDICE.

All claims against defendant Fults in his individual capacity will be adjudicated pursuant to plaintiffs' pending motion for default judgment (Docket Entry No. 115).

This Order shall constitute the final judgment in this action as to defendants Rutherford County Board of Education, Judy Goodwin, and the previously dismissed defendant Dekalb County Board of Education. Although the claims against defendant Fults remain unadjudicated, there is no just reason to delay the entry of final judgment as to the other defendants, as defendant Fults is in default, and even were the default to be set aside, there is no chance that the need for review could be mooted by future proceedings against defendant Fults, nor could the Sixth Circuit be forced to review a second time the same issues of municipal liability under 42 U.S.C. § 1983 and the Americans with Disabilities Act.

So **ORDERED**.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge